



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#23  
al  
4/4/01

In re the Application of:

Akira UEDA, et al.

Serial Number: 09/044,030

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Group Art Unit: 3743

Filed: March 19, 1998

APR - 5 2001

Examiner: C. ATKINSON

For: HEAT PIPE TYPE COOLER TECHNOLOGY CENTER R3700

REQUEST FOR NEW OFFICE ACTION

Commissioner for Patents  
Washington, D.C. 20231

April 3, 2001

Sir:

Applicants respectfully request the Commissioner to issue a new Office Action in the above-identified application for the reason that the Office Action stated to have been dated February 21, 2001 was never received.

The undersigned attorney hereby states that the Office Action dated February 21, 2001 was not received by the office of the undersigned, and that a Preliminary Amendment was filed by facsimile on March 15, 2001 in the CPA application filed February 7, 2001.

The first Action received in the CPA application was an Advisory Action dated March 21, 2001 (copy attached) which referred to a reply of Applicants filed March 16, 2001. In a telephone conference with Examiner C. Atkinson on March 29, 2001, Applicants' attorney was first advised of an Office Action dated February 21, 2001.

On the CPA transmittal form (copy attached) under "11.[X] Other", Applicants requested that the Examiner withhold action until a Preliminary Amendment was filed.

The following documents are submitted herewith in support of this statement:

- (i) A photocopy of the handwritten daily log kept by our docket clerk for recording all incoming correspondence from the U.S. Patent and Trademark Office, listing each item of correspondence by docket number, serial number, initials of attorney or subgroup in the firm to which the application is assigned, description of the correspondence, and other annotations as necessary, for the period from February 20, 2001 through February 26, 2001. The daily log shows no entry for the Office Action referred to above.
- (ii) A copy of the cover of the file jacket, which shows no entry in the column "Office Actions" except for the above-mentioned Request for Status, and a Notice to File Missing Parts.
- (iii) A print-out from our computer docket records, which shows no entry for an Office Action, after the CPA application was filed February 7, 2001.

In view of the foregoing it is respectfully requested that a new Office Action be issued for the above-identified application.

It is also respectfully requested that the Examiner consider the Preliminary Amendment which was filed in this CPA application prior to acting on the application, in view of Applicants request in the CPA transmittal form.

Serial No. 09./044,030

Docket No.: 980400

Applicants respectfully submit that no fee is due in connection with this paper. However, if a fee is considered necessary in connection with this paper, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

**ARMSTRONG, WESTERMAN, HATTORI,  
McLELAND & NAUGHTON, LLP**



William G. Kratz, Jr.  
Attorney for Applicants  
Reg. No. 22,631

Atty. Docket No. 980400  
Suite 1000  
1725 K Street, N.W.  
Washington, D.C. 20006  
Tel: (202) 659-2930  
WGK/nrp



## - Actions Due

Thursday, March 29, 2001

Case Number: 980400

Country: US

SubCase:

Atty/Obt.: WG A

United States of America

Application #: 044,030/09

Filing Date: 19-Mar-1998

Status : PENDING

Action Type: US-FINAL 3 MONTH

Action Base Date: 09-Aug-2000

Response sent date: 07-Feb-2001

A/L Done?: ☐

Action(s) Due	Due Date	Indicator	Taken
FINAL - 3 MO RESPONSE	09-Nov-2000	Due Date	09-Nov-2000
FINAL - 1 MO EXT	09-Dec-2000	Due Date	11-Dec-2000
FINAL - 2 MO EXT	09-Jan-2001	Due Date	09-Jan-2001
FINAL - 6 MO DEADLINE	09-Feb-2001	Final	07-Feb-2001
Action Status Check	07-Aug-2001	Due Date	

### Remarks:

CPA FILED 2-7-01

User ID: nvalles

Date Created: 14-Aug-2000

Last Update: 07-Feb-2001

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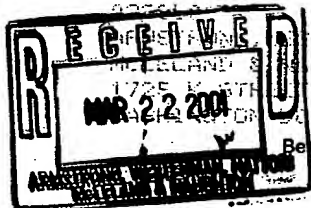


W6K/JFW  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/044,030 03/19/99 UEDA

A BRUSH



0907:0621  
STERNAN, HARTORI,  
WELAND & SUGHTON, LLP  
1725 NORTH  
SUITE 1000  
20006

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

22

Below is a communication from the EXAMINER in charge of this application  
COMMISSIONER OF PATENTS AND TRADEMARKS

### ADVISORY ACTION

DOCKET: March 28, 2001

#### ☒ THE PERIOD FOR REPLY:

- a) ☐ will expire \_\_\_\_\_ months from the date of the final Office action (including extensions of time granted).
- b) ☒ expires either (1) three months from the mail date of the final Office action, or (2) on the mail date of this Advisory Action, whichever is later. In no event, however, will the statutory period for reply expire later than six months from the mail date of the final Office action.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above.

- ☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).
- ☒ Applicant's reply to the final rejection, filed 3/16/01 has been considered with the following effect, but it is not deemed to place the application in condition for allowance.
1. ☒ The proposed amendment to the claim and/or specifications will not be entered and the final rejection stands because:
- a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. ☒ They raise new issues that would require further consideration and/or search. (See Note).
- c. ☐ They raise the issue of new matter. (See Note).
- d. ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e. ☒ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: Newly proposed claims 13-19 raise new issues that would require further consideration and/or search.

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2. ☐ Newly proposed or amended claim \_\_\_\_\_ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claim allowed: NONE

Claims objected to: NONE

Claims rejected: 1-5 and 7

However;

- ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_

4. ☐ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because \_\_\_\_\_

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☐ Other \_\_\_\_\_

Applicant may obtain further examination by filing a request for an application under 37 CFR 1.53(d) (CPA). 7/1/01

ARMSTRONG, WESTERMAN, HATTORI, McLELAND & NAUGHTON

SUITE 1000  
1725 K STREET, N.W.  
WASHINGTON, D.C. 20006



SPECIAL INSTRUCTIONS

CLIENT or TITLE  
DIVISION OF  
CONTINUATION IN PART OF

AKIRA Ueda, et al.

09/044,030 FILED March 19, 1998

Heat Pipe Type Cooler

FUJITSU, LTD.

ENT RECORDED 3/19/98 REEL 9048 FRAME 0388

OFFICE ACTIONS	RESPONSE DATE	AMENDMENTS
		Appl. 12/98, clm. Abst. Decl. Assign. claim & priority E. 3/19/98
Mon: 06/22/98.	Due: 09/22/98	100 E. 7/23/98
Office Action: 12/3/98	Due: 3/3/99	
of Appeal	Due: 4/3/99 E-1	Response f. 4/16/99
	C.P.A. filed 5/24/99	
File Action: 6/19/99	Due: 9/19/99	
of Appeal	Due: 10/19/99 E-1	Resp. f. 11/09/99
Office Action: 8/9/00	Due: 11/9/00	-
of Appeal	Due: 12/9/00 (E-1)	-
	C.P.A. filed 2/10/01	-
Amend filed 3/15/01		

INVENTOR

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SERIAL NO.

Aoki & Associates  
Toranomon 37 Mori Bldg.  
5-1, Toranomon Minato-ku  
Tokyo 105, Japan

Fileroom No: 980400  
- U. S. Patent Application  
A. AOKI & ASSOCIATES  
- Obt. Atty(s): JEA/JEA  
Heat Pipe Type Cooler



February 20, 2001

File No.	Serial No.	Atty	Description	NF	Mail Date
950407B	09/541,699	WLB	2 <sup>nd</sup> OA-F		2-16-01
000011	09/462,516	MS	1 <sup>st</sup> OA		2-15-01
960131A	09/290,867	Wsh	" "		2-15-01
000721	09/623,201	CS	" "		2-14-01
000518	09/530,063	NES	2 <sup>nd</sup> OA-F		2-13-01
960569C	09/227,529	WLB	" OA		2-15-01
980586	09/119,775	DWH	4 <sup>th</sup> OA-F		2-14-01
991208	09/420,531	TEB	2 <sup>nd</sup> OA-F		2-15-01
990166	09/274,249	DWH	NOA		2-15-01
970753	08/904,632	WLB	NOA & DLWS		2-16-01
990100	09/241,478	JPC	Adv. Action (3-2)	NF	2-16-01
000097	09/486,900	MS/med	Rec. Request. (mo.)		2-16-01
980478A	09/503,704	WLB	Adv. Action (3-1)		2-15-01
001712	09/745,994	MS/SGA	NOMD & FR (1385)	NF	2-15-01
001719	09/745,993	MS/WLB	" " (1386)	NF	2-6-01
001678	09/745,992	MS/SGA	" " (1387)	NF	2-6-01
001677	09/745,991	MS/SGA	" " (1388)	NF	2-7-01
960267	08/427,429	Wsh	Decision on Appeal	NF	2-16-01
910053C	08/888,671	MRQ	Notice of Hearing	NF	2-16-01
960174	08/610,069	SGA	" " "	NF	2-15-01
001647	09/720,341	NES	Int'l FR. (102 E 2-8-01)		2-16-01
971070	75/365,404	DWH	Suspension (6 mo.)	NF	2-15-01
001032	09/643,951	RAV	Rec. Assignmt.		
001132	09/646,780	CS	"		
991172	09/436,496	MS	"		
001470	09/715,093	MS	"		
001266	09/647,293	MS	"		
000700	09/588,678	DWH	"		
001055	09/623,488	MS	"		
991090	09/381,911	NES	"		
001574	09/725,147	MS	"		
001545	09/717,143	MS	"		
001496	09/725,146	MS	"		
001229	09/665,909	MS	"		

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TECHNOLOGY CENTER #3700

February 21, 2001 (cont.)





De

File No.	Serial No.	Atty	Description	NF	Mail Date
990807	08/603,389	JPK	Pet. to Revoke - Granted		2-20-01
000245PCT	PT/US00/05083	WOL	Written Opinion		2-16-01
981063	09/145,426	TEB	Adv. Action 3-2-01	NF	2-16-01
970665	08/902,011	TEB	" " 2-27	NF	2-20-01
000847	09/600,626	WOL	NOA RECEIVED		2-20-01
000833	09/615,730	WOL	"		2-16-01
981084	09/149,047	WOL	Int. Summ. APR - 5 2001		2-13-01
000110	09/526,280	TEB	Re: 1449 PTO TECHNOLOGY CENTER R3700		2-20-01
970259	08/825,398	WOL	Not. Rescinded Abandmt.	NF	1-29-01
990425	09/209,727	DWH	" Abandmt.	NF	2-13-01
001718	09/746,336	MS	NOMP & FR (177)	NF	2-16-01
001428	09/729,432	DWH	Not. to F. Con'd Papers (Abstract)	NF	2-14-01
001428	09/729,432	DWH	FR (6484)		
001749	09/749,464	MS	NOMP & FR (6315)	NF	2-16-01
001599	09/739,287	MS	Not. Omitted Items	NF	2-16-01
001599	09/739,287	MS	FR. (3103)		
990823	09/364,563	MS/MS	Rest. Request. (no.)		2-7-01
990693	75/763,719	DWH	Exmr's Amdt.	NF	2-20-01
001246	76/172,402	NES	TM FR		
001245	76/172,400	NES	" "		
990162	09/258,267	WOL	2nd OA-F		2-20-01
991215	09/432,763	JFC	" "		2-20-01
990020	09/231,485	SOA	" "		2-15-01
960687A	09/243,412	JAM	" "		2-15-01
960338A	09/357,137	WOL	1st "		2-20-01
991409	09/462,291	SK	2nd OA		2-15-01
981085	09/160,135	SOA	1st OA	NF	2-15-01
991241	09/428,542	CS	" "	NF	2-15-01
000068	09/567,790	CS	" "		2-15-01
001389	09/690,459	MS	F.R.		
001758	09/755,024	MS	"		
970400	09/044,030	WOL	"		
0017					
0015					





February 22, 2001 (cont.)

File No.	Serial No.	Atty	Description	NF	Mail Date
001472	09/717,140	MS	Rec. Assignment.		
001586	09/726,382	MS	"		
001564	09/725,255	CS	"		
001589	09/726,387	MS	"		
001407	09/694,263	MS	"		
001573	09/726,381	WLB	"		
001180	09/680,298	MS	"		
001416	09/694,264	CS	"		
001567	09/725,140	MS	"		
001372	09/725,937	WLB	"		
001338	09/725,962	MRQ	"		
001432	09/716,204	MS	"		
001382	09/727,774	YK	"		
001364	09/716,331	MS	"		
980955	09/134,871	WLB	ISSUE NOTIFICATION # 6198482	NF	ISSUE DATE 3/6/01
991029	09/397,673	RFN	" 6198376	"	3/6/01
990860	09/369,278	DWH	" 6197248	"	"
000115	09/498,651	WGK	" 6198061	"	"
980856	09/090,465	WFW	" D438429	"	"
990029	09/234,455	TeB	" 6198896	"	"
960684	08/693,635	SGA	" 6197646	"	"
960980A	09/305,117	RFN	" 6197627	"	"
990281	09/274,020	RES	" 6196480	"	"
970976	08/921,251	WLB	" 6197116	"	"
991062	09/397,010	JAM	" 6,196,577	"	"
980559	09/117,446	RTH	" 6,196,465	"	"
971282	08/981,522	SK	" 6,196,786	"	"
971320A	09/373,601	RES	" 6,196,901	"	"
981110	09/172,656	RTH	" 6,198,481	"	"
000019	09/487,889	RTH	" 6,198,264	"	"
990766	09/348,467	JFC	" 6,196,072	"	"
000364	09/124,268	WGK	" D438682	"	"
991339	09/456,914	WFW	" 991339	"	"
990552	09/315,811	SGA	" 6191008	"	"

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February 22, 2001

or

File No.	Serial No.	Atty	Description	NF	Mail Date
990949	09/376,466	sk/scn	NDA		2-20-01
970596	08/571,136	wob	"		2-21-01
991272	09/423,387	swb	Re: 312 Amdt. Entered	af	2-20-01
980244	09/034,463	TEB	Interv. Summs.	af	2-21-01
990428	09/291,202	SGA	Re: Drwgs. <sup>Not accepted</sup> <sub>new drwgs req.</sub>		2-20-01
981382	09/180,627	JAM	Re: 312 Amdt. Entered		2-20-01
980878	09/116,469	JFC	NDA & DRWGS	af	2-20-01
990734	09/343,457	SGA	2nd OA-F		2-21-01
000028	09/492,742	WM	3rd OA-F		2-21-01
981511	09/220,353	SGA	1st OA		2-21-01
971058	08/928,770	wlb	1st OA		2-21-01
980795	09/104,171	MRQ	1st OA		2-21-01
000175	09/506,340	MS	1st OA		2-21-01
990439	09/292,922	NES	4th OA (Finality w/ exam)		2-21-01
990141	09/252,234	KWL	1st OA		2-21-01
980753	09/109,102	wlb	3rd OA-F		2-21-01
000965	76/120,726	KH	1st Rejection	af	2-21-01
000884	76/120,728	KH	" "	af	2-21-01
980883A	09/749,521	TEB	WOMP & FR -6224-	af	2-20-01
001611	09/731,863	CS/WM	" " -8842-	af	2-16-01
990308A	09/711,082	SGA	F.R.		
990468A	09/714,519	TEB	"		
001540	09/734,738	MS	"		
001499	09/745,435	MS	"		
981303A	09/707,933	SGA	"		
001753	09/749,460	MS	"		
000835	09/616,367	MS	"		
001337	09/725,314	MS	Rec. Assignment.		
001542	09/715,081	MS	"		
001548	09/716,206	SGA	"		
001553	09/721,712	MS	"		
001568	09/725,451	MS	"		
001267	09/647,247	CS	"		
001112	09/650,637	MS	"		

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February 23, 2001

File No.	Serial No.	Atty	Description	NF	Mail Date
✓ 001765	09/754,710	MS/DWH	NOMP & FR -4391-	NF	2-15-01
✓ 001673	09/749,622	MS/DWH	" " -5964-	NF	2-20-01
✓ 001741	24/134,582	MS/WFW	" " —	NF	2-14-01
970482	08/855,702	MDA	1st OA		2-20-01
000984	09/634,373	MS	" "		2-22-01
001256	09/688,383	WFW	NOA		2-21-01
970596	08/871,136	WFW	NOA (duplicate)	NF	2-21-01
990840	09/355,275	MS/MDA	Recd. Request. (mo.)		2-21-01
960226C	08/929,253	SOA	Adv. Action (3-5-01)	NF	2-20-01
010013	09/744,027	CS/SOA	NOMP		2-21-01
990555	09/062,830	WFW	Re: IDS	NF	2-22-01
000698	09/592,414	RFA/Kod	Re: 312 Amdt Entered		2-20-01
990089	09/254,320	JAM	Supplm. NOA	NF	2-22-01
991197	09/419,785	WFW	Sts. Reply Ltr. -10-01-	NF	—
990326	09/275,022	WFW	" -10-01-	NF	—
991094	09/406,798	WFW	" -10-01-	NF	—
971161A	09/455,000	WFW	" -10-01-	NF	—
960120C	09/667,754	WH	POA Revoked (Transf. to Cliff.)	NF	2-21-01
980157A	09/391,394	JPC	" " ( " )	NF	2-21-01
001127	09/623,415	MS	Int'l FR (102 <sup>6</sup> 9-5-00)		2-21-01
010026	09/744,025	MS	" (102 <sup>6</sup> 1-19-01)		2-21-01
000250	76/016,780	DWH	Not. Publ'n. (Publn date 3-6-01)	NF	2-21-01
990620	75/792,474	DWH	" " ( " )	NF	2-21-01
980816B	09/752,695	TEB	F.R.		
001449	09/714,649	MS	"		
970708	09/913,187	DWH	"		
961020	08/757,235	JPC	"		
941044C	08/904,347	SOA	"		
001517	09/713,034	MS	"		
001543	09/716,207	MS	Rec. Assignment.		

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TECHNOLOGY CENTER R3700



February 26, 2001

or

File No.	Serial No.	Atty	Description	NF	Mail Date
990489	09/306,404	WLB	1 <sup>st</sup> OA		2-22-01
990364	09/282,468	WLB	2 <sup>nd</sup> OA		2-26-01
970183 B	09/653,379	NES	1 <sup>st</sup> OA		2-22-01
990476 B	09/522,828	NES	1 <sup>st</sup> OA	NF	2-23-01
991028	09/392,224	MS	1 <sup>st</sup> OA		2-24-01
000315A	09/694,262	WLB	1 <sup>st</sup> OA		2-22-01
950317A	09/145,027	WLB	2 <sup>nd</sup> OA-F		2-22-01
990107	09/247,545	TEB	4 <sup>th</sup> OA-F		2-22-01
000959	09/631,680	MS	1 <sup>st</sup> OA		2-23-01
990535	09/321,605	TEB	1 <sup>st</sup> OA	NF	2-23-01
930916A	08/904,751	WLB	Re: 312 Amdt. Entered		2-22-01
991033	09/392,299	DWH	NOA & Drawings		2-23-01
980484	09/060,213	DWH	" "	NF	2-23-01
000086	09/520,610	WLB	" "	NF	2-22-01
001328	09/685,796	WLB	"		2-23-01
001327	09/685,797	WLB	"		2-23-01
980248A	09/422,856	WLB	"		2-23-01
000286	09/524,388	MS/and	Res. Request. (mo.)		2-22-01
001713	09/720,473	MS	Int'l FR (2-13-01)		2-23-01
010012	09/743,636	MS	" " (1-12-01)		2-23-01
001634	09/719,965	CS	" " (2-13-01)		2-23-01
990412	09/296,126	YK	Adv. Action		2-23-01
990405	09/125,014	SA	Not. Abandoned.		2-23-01
001515	09/712,905	MRQ	NOMP & FR -	NF	2-22-01
001702	09/745,742	MS/SA	" " (1886)	NF	2-22-01
940576D	09/741,796	WLB	Not. to file cont'd papers sub. spec " (4071)	NF	2-22-01
001493	09/726,383	WLB	Not. Non-Record.	NF	2-20-01
900130	74/022,418	DWH	Not. Acceptance 8-15 sign	NF	2-15-01
001161	09/662,346	MS	Rec. Assignmt.		2-26-01
001239	09/666,555	JAM	" " RECEIVED		2-22-01
000276	09/613,525	MS	" " APR - 5 2001		2-21-01
001129	09/654,074	MS	" " TECHNOLOGY CENTER R3700		2-21-01
001585	09/725,449	MS	" "		2-22-01
001112	09/650,637	MS	F.R.		